XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक M.A-No. 813/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

M.A. No. 813/2005

APPELLANT
Non-applicant

Moti Ram, S/o. Sukkuram Markan, aged about 50 years, R/o. village Mandokey, Khargaon, Police Station Pharsgaon, Tahsil Kondagaon, Distt. Bastar, Jagdalpur (C.G.) (Owner of vehicle)

Versus

RESPONDENTS

1. Sukadu Ram, S/o. Shri Kola, aged about 40 years

2. Budhiyarin Bai, W/o. Sukadu Ram, aged 38 years, Both claimants, R/o. village Chikladeehpara, P.S. Pharasgaon, Tahsil- Kondagaon, Distt. Bastar, Jagdalpur (C.G.)

3. Agnuram, S/o. Kayaram, aged 20 years, R/o. village Mandokey, Khargaon, Police Station- Pharsgaon, Tahsil Kondagaon, Distt. Bastar, Jagdalpur (C.G.) (Driver)

SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

Shri Subhash Yadav, Advocate for the appellant.
Shri Avinash K. Mishra, Advocate for the respondents No. 1 and 2.
None appears for respondent No. 3.

ORDER
(19-6-2007)

Dhirendra Mishra, J.

Heard.

2. The appellant has preferred this appeal against the award dated 19-4-2005 passed by the 3rd Additional Motor Accident Claims Tribunal, Jagdalpur in Claim Case No. 85/2004 whereby a sum of Rs. 94,000/- has been awarded as compensation to the Claimants for the

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक MA-No- 813/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

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death of their daughter in a motor accident involving Tractor and Trolley bearing Regn. No. CG 04/ZQ/1375 and CG 04/ZQ/1376 respectively owned by the appellant and driven by the respondent No. 3 at the relevant time.

3. The ground taken by the appellant in this appeal is that the Tribunal has neglected the evidence adduced by the appellant and the statement of the driver who have categorically stated that deceased Koshalya was run over by the tractor as she jumped from the tractor and there was no negligence on the part of the driver.

4. On the other hand, learned counsel for the respondents submits that this objection has been dully considered by the Tribunal in paragraph 7 of the award and the same has been over ruled on the ground that no such pleading was taken by the appellant in their reply to the application for compensation and further that an offence was registered against the driver of the vehicle for rash and negligent driving and causing accident resulting into death of Koshalya and he was prosecuted.

5. The reasons assigned by the Claims Tribunal for rejecting the application for compensation are based on the evidence and material available on record. The instant appeal being devoid of substance, is liable to be and is hereby dismissed.

Sd/-
DHIRENDRA MISHRA
Judge

P/-

P/-